

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

DEMARIO DONTEZ WALKER

PLAINTIFF

v.

CAUSE NO. 1:17CV244-LG-RHW

HOLLAWAY, ET AL.

DEFENDANTS

**ORDER ADOPTING REPORT AND RECOMMENDATION
AND DISMISSING DEFENDANT MARCUS NELSON**

This cause comes before the Court on the [41] Report and Recommendation of United States Magistrate Judge Robert H. Walker entered in this cause on July 24, 2018. Magistrate Judge Walker reviewed the procedural history of the attempts at service of process on Defendant Marcus Nelson. The Court has made three attempts to serve Nelson, at three different addresses, and none were successful. Since Plaintiff Walker has been unable to provide an address for Defendant Nelson, Magistrate Judge Walker recommends that Nelson be dismissed from this case, without prejudice. The copy of the Report and Recommendation mailed to the plaintiff by certified mail was received on July 28, 2018. (See Acknowledgment of Receipt, ECF No. 42.) There has been no objection filed by Plaintiff Walker within the time allowed for doing so.

In the absence of any objection to Magistrate Judge Walker's recommendation, the Court need only review the Report and Recommendation and determine whether it is either clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). After having reviewed the Report and Recommendation and the record in this case, the Court finds that the Magistrate

Judge's conclusion is neither clearly erroneous nor contrary to law. Accordingly, it will be adopted by this Court and the plaintiff's claims against Nelson dismissed.

IT IS THEREFORE ORDERED AND ADJUDGED that the [41] Report and Recommendation of United States Magistrate Judge Robert H. Walker entered in this cause on July 24, 2018 should be, and the same hereby is, adopted as the finding of this Court.

IT IS FURTHER ORDERED AND ADJUDGED that the plaintiff's claims against Marcus Nelson are **DISMISSED** without prejudice.

SO ORDERED AND ADJUDGED this the 15th day of August, 2018

s\ *Louis Guirola, Jr.*

Louis Guirola, Jr.
U.S. District Judge